

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number		10526492
Filing Date		2005-08-23
First Named Inventor	Helmut C. Eder	
Art Unit	2618	
Examiner Name	R. Chan	
Attorney Docket Number	22409-00007-US	

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	452003		1891-05-12	Lipe	
	2	3043000		1962-07-10	Hatfield, Frederick A.	
	3	D 227118		1973-06-05	Muraoka	
	4	3771685		1973-11-13	Micallef	
	5	4003521		1977-01-18	Hess	
	6	4114627		1978-09-19	Lewyn et al.	
	7	4226164		1980-10-07	Carter	
	8	4240428	A1	1980-12-23	Akhavi	

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	9	4305396		1981-12-15	Wittkamp et al.	
	10	4343312		1982-08-10	Cals et al.	
	11	D267541		1983-01-11	Kanemitsu et al.	
	12	4373531		1983-02-15	Wittkamp et al.	
	13	4414701		1983-11-15	Johnson	
	14	4532930		1985-08-06	Crosby et al.	
	15	4543956		1985-10-01	Herscovici	
	16	4610621		1986-09-09	Taber et al.	
	17	4731718		1988-03-15	Sheu et al.	
	18	4895152		1990-01-23	Callaghan et al.	
	19	4917504		1990-04-17	Scott et al.	

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	20	4920679		1990-05-01	Sarles et al.	
	21	5014592		1991-05-14	Zweig et al.	
	22	5016280		1991-05-14	Engebretson et al.	
	23	5034918		1991-07-23	Jeong et al.	
	24	5172690		1992-12-22	Nappholz et al.	
	25	5278994		1994-01-11	Black et al.	
	26	D348067		1994-06-21	Lucey et al.	
	27	5565503		1996-10-15	Garcia et al.	
	28	5674264		1997-10-07	Carter et al.	
	29	5758651		1998-06-02	Nygard et al.	
	30	5775652		1998-07-07	Crawshaw et al.	

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	31	5785477		1998-07-28	McGuffey et al.	
	32	5895416		1999-04-20	Barreras, Sr. et al.	
	33	5971334		1999-10-26	Crawshaw et al.	
	34	5963904		1999-10-05	Lee et al.	
	35	6073973		2000-06-13	Boscaljon et al.	
	36	6157861		2000-12-05	Faltys et al.	
	37	6205360	A1	2001-03-20	Carter et al.	
	38	6428484		2002-08-06	Battmer et al.	
	39	6430402		2002-08-06	Agahi-Kesheh	
	40	6463328		2002-10-08	John	
	41	6537200	A1	2003-03-25	Leysieffer et al.	

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42	6571676		2003-06-03	Folsom et al.	
43	6575894	A1	2003-06-10	Leysieffer et al.	
44	6600955		2003-07-29	Zierhofer et al.	
45	6697674	A1	2004-02-24	Leysieffer et al.	
46	6751505		2004-06-15	Van Den Honert et al.	

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	1	20010049466	A1	2001-12-06	Leysieffer et al.	
	2	20040098063	A1	2004-05-20	Goetz	
	3	20050101878	A1	2005-05-12	Daly et al.	
	4	20050245991	A1	2005-11-03	Faltys et al.	

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1	1	00414579	GB		1934-08-09	Lloyd Wise & Co.		<input type="checkbox"/>
2	2	0282336A2	EP		1988-09-14	Minnesota Mining & Mfg		<input type="checkbox"/>
3	3	9210134	WO		1992-06-25	Knutsson Evert et al.		<input type="checkbox"/>
4	4	2 666 045	GB		1993-10-20	Mandy Nicola Haberman		<input type="checkbox"/>
5	5	9324176	WO		1993-12-09	Tippey Keith Edward et al.		<input type="checkbox"/>
6	6	9414376	WO		1994-07-07	Cochlear Pty Ltd et al.		<input type="checkbox"/>
7	7	9501709	WO		1995-01-12	Univ Melbourne et al.		<input type="checkbox"/>
8	8	9612383	WO		1996-04-25	Univ Melbourne et al.		<input type="checkbox"/>
9	9	9709863	WO		1997-03-13	Cochlear Ltd et al.		<input type="checkbox"/>

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10	10	9748447	WO		1997-12-24	Advanced Bionics Corp et al.		<input type="checkbox"/>
11	11	0076436	WO		2000-12-21	Cochlear Ltd		<input type="checkbox"/>
12	12	0113991	WO		2001-03-01	Med El Elektromedizinische Ger		<input type="checkbox"/>
13	13	02082982	WO		2002-10-24	Cochlear Ltd et al.		<input type="checkbox"/>
14	14	03070322	WO		2003-08-28	Newmedic Internat et al.		<input type="checkbox"/>
15	15	2004021885	WO		2004-03-18	Cochlear Ltd et al.		<input type="checkbox"/>

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	BROWN, ET AL., "The Relationship Between EAP and EABR Thresholds and Levels Used to Program the Nucleus 24 Speech Processor: Data from Adults, Ear and Hearing, Volume 21 (2), April 2000, pp. 151-163.	<input type="checkbox"/>
	2	CHARASSE, ET AL., "Automatic analysis of auditory nerve electrically evoked compound action potential with an artificial neural network," Artificial Intelligence in Medicine, 2004 31, 221-229.	<input type="checkbox"/>
	3	DELGADO, ET AL, "Automated Auditory Brainstem Response Interpretation," IEEE Engineering in Medicine and Biology, April/May 1994.	<input type="checkbox"/>

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4	CHARASSE, ET AL., "Comparison of Two Different Methods to Automatically Classify Auditory Nerve Responses Recorded with NRT System," Acta Acustica United with Acustica, Vol. 99 (2004) 512-519.	<input type="checkbox"/>
5	SEYLE, ET AL., "Speech Perception Using Maps Based on Neural Response Telemetry Measures," Ear & Hearing, Copyright © 2002 by Lippincott Williams & Wilkins.	<input type="checkbox"/>
6	VANNIER, ET AL., "Objective detection of brainstem auditory evoked potentials with a priori information from higher presentation levels," Artificial Intelligence in Medicine 25, (2002) 283-301.	<input type="checkbox"/>
7	FRANCK, ET AL., "Estimation of Psychophysical Levels Using the Electrically Evoked Compound Action Potential Measured with the Neural Response Telemetry Capabilities of Cochlear Corporation's C124M Device," Ear & Hearing, Copyright © 2001 by Lippincott Williams & Wilkins.	<input type="checkbox"/>
8	DIJK, ET AL., "Development of a prototype fully-automated intra-operative ECAP recording tool, using NRT• v3," Cochlear Technology Centre Europe, Mechelen, Belgium, and Laboratoire Neurosciences et Systèmes Sensoriels, Lyon France.	<input type="checkbox"/>
9	HUGHES, ET AL., "Comparison of EAP Thresholds with MAP Levels in the Nucleus 24 Cochlear Implant: Data from Children [Articles], Ear and Hearing, Volume 21 (2), April 2000, pp. 164-174.	<input type="checkbox"/>
10	ABBAS, ET AL., "Electrically Evoked Compound Action Potentials Recorded from Subjects Who Use the Nucleus C124M Device," Gantz et al. Seventh Symposium on Cochlear Implants in Children.	<input type="checkbox"/>
11	BAUMGARTE, ET AL., "A Nonlinear Psychoacoustic Model Applied to the ISO MPEG Layer 3 Coder," Institut für Theoretische Nachrichtentechnik und Informationsverarbeitung, Universität Hannover, Germany	<input type="checkbox"/>
12	EDLER, ET AL., "ASAC-Analysis/Synthesis Audio Codec for Very Low Bit Rates," Institut für Theoretische Nachrichtentechnik und Informationsverarbeitung, Universität Hannover, Germany	<input type="checkbox"/>
13	COHEN, ET AL., "Spatial spread of neural excitation in cochlear implant recipients: comparison of improved ECAP method and psychophysical forward masking," Hearing Research, 179 (2003) 72-87.	<input type="checkbox"/>
14	COHEN, ET AL., "Spatial spread of neural excitation: comparison of compound action potential and forward-masking data in cochlear implant recipients," International Journal of Audiology 2004: 43: 346-355.	<input type="checkbox"/>

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15	MILLER, ET AL., "An Improved Method of Reducing Stimulus Artifact in the Electrically Evoked Whole-Nerve Potential," Ear & Hearing, Copyright © 2000 by Lippincott Williams & Wilkins, USA.	<input type="checkbox"/>
16	European Search Report, EP 01 95 9971, dated August 11, 2005	<input type="checkbox"/>
17	International Preliminary Examination Report, PCT/AU01/01032, dated April 10, 2002	<input type="checkbox"/>
18	International Search Report, PCT/AU01/01032, dated October 5, 2001	<input type="checkbox"/>
19	International Search Report and Written Opinion, PCT/US05/21207 dated February 8, 2006	<input type="checkbox"/>
20	International Preliminary Examination Report, PCT/AU02/00500, dated 02-12-03	<input type="checkbox"/>
21	International Search Report, PCT/AU02/00500, dated 06-26-02	<input type="checkbox"/>
22	Supplementary Partial European Search Report, EP 02 71 7863 dated 10-18-05	<input type="checkbox"/>
23	HARTMANN, ET AL., "Evoked Potentials from the Auditory Nerve Following Sinusoidal Electrical Stimulation of the Cochlea: New Possibilities for Preoperative Testing in Cochlear-Implant Candidates?" Acta Otolaryngol (Stockh) 1994; 114, Scandinavian University Press ISSN 0001-648, pages 495-500.	<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Michael G. Verga/	Date (YYYY-MM-DD)	2007-07-20
Name/Print	Michael G. Verga	Registration Number	39410

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: July 20, 2007

Electronic Signature for Michael G. Verga: /Michael G. Verga/

Docket No.: 22409-00007-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Helmut C. Eder et al.

Application No.: 10/526,492

Confirmation No.: 7344

Filed: August 23, 2005

Art Unit: 2618

For: METHOD AND APPARATUS FOR
MEASUREMENT OF EVOKED NEURAL
RESPONSE

Examiner: R. Chan

INFORMATION DISCLOSURE STATEMENT (IDS)

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement, pursuant to 37 CFR 1.114(c), accompanies the Request for Continued Examination (37 CFR 1.114) submitted herewith.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0185, under Order No. 22409-00007-US. A duplicate copy of this paper is enclosed.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22409-00007-US from which the undersigned is authorized to draw.

Dated: July 20, 2007

Respectfully submitted,

Electronic signature: /Michael G. Verga/
Michael G. Verga

Registration No.: 39,410
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant